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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,907	08/04/2003	Peter Szor	SYMC1035	7555

34350 7590 03/26/2007
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MONTEREY, CA 93940

EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
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2133

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/633,907

Applicant(s)

SZOR, PETER

Examiner

Fritz Alphonse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

GUY LAMARRE
PRIMARY EXAMINER

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

0.1 This office action is in response to the amendment filed on 12/06/2006. Claims 5-12, 17 and 20 are amended. Claims 3, 19, 1-20 are pending.

Response to Amendment

1. The indicated allowability of claims 1-2, 5, 7, 12-18 and 20 is withdrawn in view of the newly discovered reference(s) to Pak et al. (U.S. Pat. No. 7,080,408) and Chelsa (US Pub. No. 2004/0250124 A1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chesla (US Pub. No. 20040250124 A1) in view of Pak et al. (U.S. Pat. No. 7,080,408).

As to claim 12, Chesla discloses a malicious code detection device including an intercept module for intercepting a request issuing on a host computer system prior to the sending of the request from the host computer system to a target computer system (see paragraph 0002); an analyzer module coupled to the intercept module (Paragraph [0031, 0046, 0353]); Chesla teaches a request database including one or more request entries (0024); and a standards list (500) coupled to the analyzer module, the standards list including selected standards for use in determining whether the request is suspicious (paragraph 0350).

Chesla does not explicitly disclose each of the one or more request entries identifying a request determined to be suspicious. However, the limitations are obvious and well known in the art, as evidenced by Pak (fig. 3; col. 6, lines 4-19).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine Chesla's dynamic network device with the network security system, as disclosed by Pak. Doing so would provide a way to detect and temporarily detain potential infected data from a network data stream prior to the data reaching a client device.

As to claims 13-16, Chesla (figs 2-16) discloses a malicious code detection device comprising: an inclusion and exclusion profile list a memory area coupled to the intercept module includes an interception mechanism for intercepting a request.

As to claims 17 and 20, the claims differ from claim 12 by the additional limitations "A computer program product comprising a computer readable medium containing computer program code for a method comprising: stalling a request on a host computer system prior to sending the request to a target computer system." However, the limitations are clearly disclosed by Pak (fig. 3; col. 6, lines 4-19).

As to claim 18, the claim has substantially the limitations of claim 17, therefore, it is analyzed as disclosed in claim 17 above.

As to claims 1, 5 and 7, method claims 1, 5 and 7 correspond to apparatus claim 12; therefore, they are analyzed as disclosed in claim 12 above.

As to claims 2, 4, 6, 8, Chesla discloses a method, further comprising: wherein upon a determination that malicious code activity is detected, generating a notification that malicious code activity is detected; and implementing one or more protective actions (0035); and wherein

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upon a determination that the request is not suspicious, releasing the request (0329). Chesla discloses a method, wherein the implementing one or more protective actions comprises terminating the request (0426).

As to claims 9-11, Chesla does not explicitly disclose a method wherein the request is an HTTP GET request and wherein the intercepting a request on a host computer system utilizes a local proxy mechanism. However, the limitations are obvious and well known in the art, as evidenced by Mouhanna (U.S. Pat. No. 6,976,066). See (0010, 0072, 0170).

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

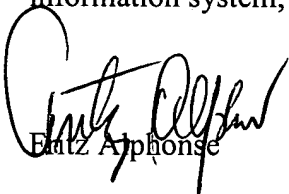
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is 571-272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Elizabeth Aphonse

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March 16, 2007